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Sixty-sixth year

Provisional

6639th meeting

Wednesday, 26 October 2011, 10 a.m.

New York

President:	Mrs. Ogwu	(Nigeria)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	Colombia	Mr. Osorio
	France	Mr. Araud
	Gabon	Mr. Messone
	Germany	Mr. Berger
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Salam
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in Libya

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Ian Martin, Special Representative of the Secretary-General for Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Ian Martin.

Mr. Martin: On Sunday, I had the great privilege of representing the Secretary-General at Libya's declaration of liberation in Benghazi, the city where the popular movement had begun on February 17. A peaceful movement, sparked on that day by the demand of families to know the fate of their loved ones who had disappeared in a notorious prison massacre, was met with lethal repression, and civilians across Libya took up arms in a revolution to end decades of denial of political freedoms, human rights violations, corruption and social inequality.

The declaration brings to a close a long and painful chapter in the history of Libya. Four decades of brutal dictatorship and autocratic government have tragically wasted the potential of an entire generation as well as immense opportunities and resources that could have been invested in creating a prosperous, modern nation-State.

The declaration thus marks a new beginning for the people of Libya. While expectations must be managed, the aspirations of its youth and the sacrifices they have made must guide the next phase of Libya's transformation.

We should remind ourselves that achieving liberation has come at a huge cost, both in terms of those who have died or been maimed and in terms of the damage to cities and towns that bore the worst of the fighting, in particular Misrata, Zawiya, Bani Walid and Sirte. Nor should we forget the still volatile security situation in parts of the south of Libya, with tensions related to a complex mix of ethnic and political loyalties in previously marginalized areas with limited presence of the State.

The path to national reconciliation and healing must begin by recognizing the suffering of all Libyan people during the course of the eight-month conflict and by addressing their needs to allow them to rebuild their lives.

Several weeks ago, amid the widespread international recognition of the National Transitional Council (NTC) and the clear indications that it had the support of the overwhelming majority of Libyans, the Secretary-General called on the remaining supporters of the former regime to cease fighting. Regrettably, in Sirte, Bani Walid and Sabha, they did not do so, and the final weeks of conflict added to the toll of deaths, serious injuries, civilian suffering, displacement and destruction.

We called on all sides to respect human rights as the battles neared their end and issued appeals in support of those of the NTC itself that there should be no revenge, even against those responsible for war crimes and other grave violations. We hoped that Muammar Al-Qadhafi and others with the heaviest responsibility for such crimes would be captured and brought to justice.

However, Muammar and Motassim Al-Qadhafi were mistreated and killed in circumstances that require investigation, and there are other disturbing reports that killings amounting to war crimes were committed on both sides in the final battle for Sirte. Such killings were contrary to the orders of the National Transitional Council, and we welcome the Council's announcement of an investigation.

These killings are also within the scope of the international commission of inquiry mandated by the Human Rights Council. The period covered by the commission's mandate begins only in February this year and so does not extend to the myriad human rights violations in the period since Muammar Al-Qadhafi took power in 1969. Nonetheless, the commission will have a heavy task. The evidence has mounted of deliberate killings of prisoners by the Al-Qadhafi regime during the conflict, including in its last days in Tripoli, as well as some abuses by the revolutionary fighters.

Meanwhile, the whereabouts of the other two persons indicted by the International Criminal Court, Saif al-Islam Al-Qadhafi and Abdullah al-Senussi, remain uncertain. It is the responsibility of the NTC to ensure that, if captured inside Libya, they are treated in accordance with international humanitarian law, and it is the responsibility of all signatories to the Rome Statute to ensure that they are arrested and brought before the International Criminal Court.

I have previously informed the Council of the preparations by United Nations humanitarian agencies for the end of hostilities by pre-positioning relief supplies near to the final areas of conflict. The Deputy Special Representative and Humanitarian Coordinator was in Sirte on Monday, opening the way for missions to that city and to Bani Walid, which have just taken place. They report that current levels of stockpiling are considered adequate to provide immediate response, including food, non-food items and potable water. Priorities are the restoration of electricity and water services, rapid clean-up of explosive remnants of war and the rehabilitation of accommodation for returning residents. Destruction of buildings is severe, and housing will be a serious issue and a factor constraining return. The NTC has highlighted its concern on this issue and is looking at various solutions in coordination with international partners.

The Libyan people have demonstrated exceptional resilience and a strong capacity for meeting most humanitarian needs of the population in areas affected by the conflict. To support them, the Humanitarian Coordinator has taken steps to ensure that residual needs of vulnerable groups will still be met while the overall humanitarian effort in Libya is winding down.

From Sirte, the Humanitarian Coordinator again expressed our concern for the safe return of civilians to their towns of origin. Monitoring and advocacy with central and local authorities to ensure the protection of groups perceived by Libyans to have supported the previous regime during the conflict will continue, in support of national reconciliation efforts.

With the end of the Al-Qadhafi era, the new Libya can move forward to build a modern nation-State based on the principles embraced by the revolution — democracy, human rights, the rule of law, accountability, respect for minority rights, the empowerment of women and the promotion of civil society — while addressing the past through proper judicial and truth-seeking processes. Despite violations committed in the heat of battle, I believe that the leadership of the NTC is indeed committed, as the declaration of liberation re-emphasized, to avoiding revenge, achieving reconciliation and overcoming the manipulation of tribalism and regionalism — which the former dictator promoted to entrench his own power — thereby ensuring that the past will not be repeated.

With Sunday's declaration of liberation, the clock has started running on commitments the National Transitional Council made in its constitutional declaration. First, an interim Government must be established within 30 days, and the challenge is to form an administration that is inclusive and also possesses the expertise to be able to lead and deliver on key sectors, including public security, basic services, the economy and financial management. Then, within the first 90 days, it will be necessary to adopt electoral legislation and establish an electoral management body, and within 240 days elections for a national congress must be held to give democratic legitimacy to a new Government and the body that will draft a constitution.

Here, the task is not solely or even primarily technical, despite the challenge of mounting Libya's first election in over 45 years. First and foremost, what is needed is to engage in a broad consultation, including with civil society, that will build consensus regarding the electoral system for this first election and on other key issues to be determined in electoral legislation, and to establish an electoral management body whose independence and integrity cannot be disputed from any quarter.

Since the very beginning of its mandate, the United Nations Support Mission in Libya (UNSMIL), supported by two visits from the Director of the Electoral Assistance Division of the Secretariat's Department of Political Affairs, has been engaging closely with members of the NTC and with its legal and political subcommittees on the electoral process, in particular with respect to the electoral law and the future electoral management body. Our meetings with civil society have made clear their determination to be engaged closely in the ongoing discussions on the electoral law and in efforts to promote civic education. Work has also started on defining the framework for developing the voter register.

Our engagement will intensify as the NTC clarifies the designation of responsibilities for electoral matters. We are encountering high expectations of the United Nations, which is overwhelmingly seen as the key guarantor of the integrity of the electoral process, although it is the Libyans who must reach agreement with respect to the electoral system and other essential elements of electoral legislation.

In Benghazi and Tripoli, the liberation ceremonies included public commitments and the first handovers of weapons by the armed groups. While symbolic and limited in nature, these handovers have sent a public message that the issue is at the top of the agenda for the NTC and the forthcoming Government. There is broad consensus on the need to remove immediately all heavy weaponry from city centres, to be followed later with moves to collect light arms. Equally important is the need for a gradual redeployment of brigades away from population centres, in parallel with putting in place agreed mechanisms to provide security in major cities and towns.

There have been some positive developments in Tripoli under the authority of the Supreme Security Committee established by the NTC in coordination with the Ministries of Interior and Defence. We expect that ministers in the new Government will build upon those developments. Their challenge will be to rapidly develop opportunities for the future of combatants, making available to them support for returning to normal civilian life, or integrating them into a professional police force and national army.

In my last briefing, I highlighted the terrible legacy of the extraordinary quantity of weaponry and munitions on which the Al-Qadhafi regime squandered the wealth of Libya, to the benefit only of diverse arms suppliers and now to the menace of Libya and its region. UNSMIL continues to facilitate coordination among the Libyan authorities, relevant international organizations — including the Organization for the Prohibition of Chemical Weapons (OPCW) and the International Atomic Energy Agency (IAEA) — and Member States offering assistance regarding chemical weapons and nuclear materials, as well as other non-conventional weapons.

The Ministry of Foreign Affairs and other Government focal points, together with UNSMIL, are providing assistance for visits in the near future of OPCW inspectors and the IAEA. While NTC forces appear to be controlling all relevant chemical and nuclear material sites, centralized command and control remains a concern. It has become clearer that there are additional sites with previously undeclared chemical weapons or materials, which the Government is about to declare formally to the OPCW.

Under the Al-Qadhafi regime, Libya accumulated the largest known stockpile of shoulder-fired anti-aircraft missiles, known as man-portable air defence systems (MANPADS), of any non-MANPADS-producing country. Thousands were destroyed during NATO operations. However, I must report to the Council that we have increasing concerns over the looting and likely proliferation of MANPADS, as well as large numbers of munitions and all sorts of mines, which have the most serious potential local and regional implications. International partners have been working with the Ministry of Defence on identifying MANPADS sites and storage areas, primarily in the eastern part of Libya. Hundreds of suspected sites still need to be visited.

Moreover, the prevalence of newly laid mines, in particular around Zintan, Brega and Ajdabiya, but also in parts of the Nafusa mountains, remains a great concern. Mine action, and its immediate funding, is a key priority for the United Nations. Large quantities of unexploded ordnance and ammunition stockpiles in Sirte and Bani Walid need immediate attention. In Tripoli, many stockpiles are suspected in residential areas, including in schools and hospitals, where they seem to be have been moved by Al-Qadhafi forces to conceal them from airstrikes, and most of them remain unsecured.

The flow of weapons across borders is naturally a major anxiety for Libya's neighbours and beyond, but the implications of events in Libya for the region also include the outflow of people — not only migrant workers, but also armed elements from the former regime — and concerns for those third-country nationals who remain. Together with the African Union, the United Nations will work with Libya's neighbours to support them in addressing those issues.

Inside Libya, the NTC has taken steps towards transferring responsibility for detainees from the brigades to proper State authorities, but much remains to be done to regularize detention, prevent abuse and review cases to bring about the early release of those

whose detention should not be prolonged. This week, UNSMIL's first human rights advisers will begin to add their efforts to those of humanitarian agencies by recommending and advising on actions to address this urgent priority. We will be following up on the visit of senior officials of the Office of the United Nations High Commissioner for Human Rights by offering comments on draft transitional justice legislation, recommending broad consultations with civil society and trying to mobilize assistance for the hard-pressed National Commission on Missing Persons.

Once the new interim Government has been formed and has put in place its mechanisms to coordinate international assistance, we will discuss with it how to go forward with a coordinated, Libyan-led needs assessment process. Many international actors stand ready to assist, but the authorities rightly insist that it is for Libyans to set the framework and to lead, and they continue to tell us that they wish the United Nations to be their key partner in coordinating international assistance.

Less than six weeks into the mandate of UNSMIL, our 36 international staff in Libya include experts in the priority areas in which we have been asked to assist. The Ministry of Foreign Affairs has formally handed over to us a compound of offices that is very suitable for our Mission headquarters, and mission support staff are working hard to make it ready for use as soon as possible. We expect that preliminary discussions will enable a status-of-mission agreement to be formalized soon after the interim Government takes office. That will also be the time when we will be able to begin detailed discussions on the longer-term role and requirements for UNSMIL. We will report to the Council on the next steps as the situation becomes clearer, but given the delays to date, it seems likely that we will have to request an extension of the initial three-month UNSMIL mandate for a further few months so as to have time for that assessment.

With liberation now completed, the challenges facing the Libyan people and the new incoming Government will nonetheless be extraordinary. It will be critical, therefore, for the international community to remain focused and measured in our engagement with the Libyan authorities during this transition period, while closely following their sense of immediate priorities and not attempting to impose over-ambitious expectations or longer-term programmes.

When I and my colleagues listen to NTC members, Government officials and civil society, the priorities identified are the same. In addition to security and elections, which have already been mentioned, they include public financial management, including the urgent preparation of a budget for 2012, new rules to ensure fiscal transparency and the clarification of liquidity requirements.

Also a key priority is the beginning of a national reconciliation process and a coherent approach, led by the NTC, to all human rights and transitional justice issues that have surfaced in recent weeks and that will be challenges in the months to come.

Above all, we must support the NTC in handling the difficult political processes involved in implementing the road map contained in the constitutional declaration and in managing the inevitably increasing socio-economic expectations of the Libyan people.

When a country that has been denied the development of so many of the institutions of an effective democratic State faces challenges of such enormity, it would be easy to make a case for pessimism. Indeed, it would be foolish to expect the path ahead to be smooth and easy.

However, Libyans justly point to what extent they have already surprised us, and perhaps themselves, in what they have achieved. They have done so with an extraordinary display of civic responsibility and initiative by women and men, and especially by their youth. They may seek from us lessons in the details of democracy, but they can offer lessons in its spirit. They express repeated gratitude to the United Nations for the action this Council took in its resolutions 1970 (2011) and 1973 (2011) and to NATO and the non-NATO countries that acted under that mandate, but they are proud that they made their revolution and are determined to maintain their sovereignty in building their future. They trust the United Nations to support the process that they intend to lead, and it is for us to fulfil their expectations.

The President: I thank Mr. Martin for his briefing.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I am pleased to congratulate you, Madame President, on

your leadership of the Council's proceedings for this month. As a matter of fact, I am delighted to see a dear friend and representative of a sisterly African State presiding over the affairs of the Council.

Allow me to extend our thanks to the Secretary-General, all members of the Security Council and all States that stood by the side of Libya and the Libyan people over the course of the past several months, during which we were experiencing a painful plight.

On 20 October Libya declared its liberation from the dictatorial regime of Colonel Al-Qadhafi following his assassination, which was announced on 23 October.

Here, I would like to convey the gratitude of the Libyan people to all those who contributed to their support, whether by supplying weaponry, food or medicine, or by caring for the injured, as well as to those who participated in imposing the no-fly zone and in protecting civilians. Had it not been for that solidarity with the Libyan people, and the assistance we received, we could not have done what we have done, and the number of victims would have been much higher than it is.

If I may, I should say that despite the admirable action on the part of the international alliance in imposing the no-fly zone and protecting civilians — which the Libyan people strongly commend — we as a people abhor any interference in our sovereignty and consider that any foreign presence in our skies diminishes that sovereignty, while understanding that it was unavoidable and indispensable. The Libyan people feel that every day that passes with foreign control over our skies infringes on our sovereignty. This has been particularly true since 23 October, when we made our declaration of liberation.

I would therefore like to inform everyone that the Libyan people are looking forward to terminating as soon as possible the no-fly zone over Libya and the mandate on the protection of civilians set out in resolution 1973 (2011). According to our original assessment, 31 October would be the logical date on which to terminate the mandate.

However, there is no official resolution by the National Transitional Council (NTC), and some contradictory news militates against that. Also, some believe that we need further evaluation of the country's security situation and the extent of Libya's ability to monitor its borders. Therefore we would like to ask that the Security Council allow the NTC to take a resolution on this subject to be officially conveyed to the Council. That will take a few days. It may still take place before the 31st of this month.

However, as the Council is aware, Libya is a huge country, and we have not yet activated our air capability. The people have been criticizing the NTC for the delay in re-establishing the national armed forces, since they are the only force that can maintain our security and monitor our borders, besides protecting our citizens. We therefore wish to request that the Council not adopt a resolution hastily. We will certainly inform the Council of the NTC's official decision, which we hope we will have before the end of the month.

With our declaration of liberation, we have launched a new phase in Libya's history in which we look forward to a democratic Libya that respects human rights, preserves citizens' fundamental freedoms, believes in pluralism, looks forward to the future and will not be held back by the past, and looks for equal and balanced relations with its neighbours and all States of the world. This will be a difficult stage, particularly in a State like ours, which has no institutions. Besides the support we had from the international community in our struggle to topple the dictatorship, we will also need its backing in the future in building a democratic State, development, reconstruction and achieving prosperity for our people.

Much has been said about violations of human rights, particularly concerning the way in which Muammar Al-Qadhafi died or was killed. I would like to declare that we will not tolerate any violations of human rights. We all know the extent of the hatred that controlled the minds of Libyans under the Al-Qadhafi regime, the result of the horrific acts he perpetrated against our people. However, if we discover that there were any infringements of the rights of Al-Qadhafi or any others, their perpetrators must be punished.

According to initial inquiries and information, Al-Qadhafi was injured during clashes between his loyalists and the rebels. When he was arrested, he was bleeding from his abdomen and head; he died on arrival at the hospital in Misrata. According to preliminary reports, none of the revolutionaries fired on him after arresting him. An independent commission of inquiry has been set up, and its findings

will be made public after the investigation is completed.

With regard to United Nations efforts, I would like to thank the Special Representative of the Secretary-General, Mr. Ian Martin, for his valuable and comprehensive briefing. He has outlined clearly what the Libyan people will need in the way of assistance from the United Nations in the future.

Undoubtedly, it will be very difficult for the United Nations Support Mission in Libya (UNSMIL) to begin its work at this time, as we are in the process of forming the transitional Government. However, the transitional Government will be set up soon — sometime in the next two weeks. That will make it possible and easier for the Mission to work in cooperation with all Libyan sectors and entities. In addition, there will be a specific department in the Ministry of Foreign Affairs charged with facilitating the work of UNSMIL.

Of course, we require the assistance of the United Nations and its experts at this critical stage. We will return to the Council shortly to inform it of the official decision of the NTC with regard to the mandate, in accordance with resolution 1973 (2011) on the protection of civilians and the no-fly zone.

The President: There are no further speakers inscribed on my list. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.40 a.m.